

**AMENDMENT TO H.R. 5658, AS REPORTED  
OFFERED BY MS. SCHAKOWSKY OF ILLINOIS**

At the end of subtitle C, add the following new section:

1 **SEC. 824. PERFORMANCE BY PRIVATE SECURITY CONTRAC-**  
2 **TORS OF INHERENTLY GOVERNMENTAL**  
3 **FUNCTIONS IN AN AREA OF COMBAT OPER-**  
4 **ATIONS.**

5 (a) **MODIFICATION OF REGULATIONS.**—Not later  
6 than 60 days after the date of the enactment of this Act,  
7 the regulations prescribed by the Secretary of Defense  
8 pursuant to section 862(a) of the National Defense Au-  
9 thorization Act for Fiscal Year 2008 (Public Law 110-  
10 181; 122 Stat. 254; 10 U.S.C. 2302 note) shall be modi-  
11 fied to ensure that private security contractors are not au-  
12 thorized to perform inherently governmental functions in  
13 an area of combat operations.

14 (b) **REGULATIONS.**—Not later than 60 days after the  
15 date of the enactment of this Act, the Secretary of Defense  
16 shall prescribe regulations detailing what cases constitute  
17 the engagement in inherently governmental functions by  
18 private security contractors.

1       (c) PERIODIC REVIEW OF PERFORMANCE OF FUNC-  
2 TIONS.—

3       (1) IN GENERAL.—The Secretary of Defense  
4 shall, in coordination with the heads of other appro-  
5 priate agencies, periodically review the performance  
6 of private security functions in areas of combat op-  
7 erations to ensure that such functions are authorized  
8 and performed in a manner consistent with the re-  
9 quirements of this section.

10       (2) REPORTS.—Not later than June 1 of each  
11 of 2009, 2010, and 2011, the Secretary shall submit  
12 to the congressional defense committees a report on  
13 the results of the most recent review conducted  
14 under paragraph (1).

